REMARKS

This is a response to the Office Action February 2, 2006. A shortened statutory period for response to the Office Action was set too expire three months from the date of the letter, making a response due on or before May 2, 2006.

Claims 1, 2, 7 and 17 are pending in the application. Claims 1, 2, 7, and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Neigut. Claims 1, 2, 7-9 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Thomas. Claims 1, 2, 8, 9 and 15-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Derwent Abstract 2000-617480.

The applicant amended Claim 1 and submits that Claim 1 and those dependent thereon are now believed to be in condition for allowance.

The applicant further respectfully submits that it is well established that to anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.
In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). MPEP § 2131.

In this case, Examiner cited several references that teach a combination of certain Vitamins A, D and/or E. However, only certain members of the vitamin family are shown

in several publications, not all elements as listed in the now amended Claim 1. As a result, it is believed that the elements as recited in Claim 1 make Claim 1 and those dependent thereon allowable.

In view of the above, reconsideration of the rejection and allowance of Claims 1, 7-9, and 15 – 17 is respectfully requested.

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Debbie Menge 5/2/06
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Respectfully submitted,

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